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August 20, 2007

Honorable Joseph J. Farnan, Jr.
United States District Court
J. Caleb Boggs Federal Building
844 King Street, Fourth Floor
Wilmington, DE 19801

Re: *United States v. Thomas L. Davis*
Criminal Action No. 07-42-JJF
Our File No.: 2007-00146

Dear Judge Farnan:

This Court held an Evidentiary Hearing on Defendant Davis' Motion to Suppress on August 1, 2007, in the above-referenced matter. Following that hearing, the Court requested that both parties submit letter memorandums outlining their respective positions on the motion.

Given the testimony of Officer Burton at the Evidentiary Hearing, and the arguments and case law cited by the government in its Supplemental Memorandum dated August 13, 2007, the defense believes that no argument can be made that the firearm was not abandoned. The defense could not find any case law to the rebut the arguments set forth by the government. Therefore, although the defense believes that no probable cause or reasonable suspicion existed to justify a stop of Mr. Davis, because the firearm was discarded prior to Mr. Davis' seizure, the defense has no argument as to the recovery of the firearm by the officers.

Thank you for Your Honor's consideration of the foregoing.

Respectfully submitted,

/s/

Eleni Kousoulis, Esq.
Assistant Federal Public Defender
Attorney for Defendant Thomas L. Davis

cc: Shawn E. Martyniak, AUSA (by ECF)